

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

Filed: September 5, 2023

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MOISES ZUNIGA,

\* UNPUBLISHED

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Petitioner,

\* No. 22-1345V

\*

v.

\* Special Master Dorsey

\*

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

\* Ruling on Entitlement; Concession;  
\* Influenza (“Flu”) Vaccine; Guillain-Barré  
\* Syndrome (“GBS”).

Respondent.

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Ivo Auston, Steigmann Law, P.C., Savoy, IL, for Petitioner.

Ronaldalda Elnetta Kosh, U.S. Department of Justice, Washington, DC, for Respondent.

## RULING ON ENTITLEMENT<sup>1</sup>

On September 21, 2022, Moises Zuniga (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“the Program”)<sup>2</sup> alleging that he developed Guillain-Barré syndrome (“GBS”) after receipt of an influenza (“flu”) vaccination on September 24, 2019. Petition at Preamble (ECF No. 1); Petitioner’s Exhibit (“Pet. Ex.”) 3 at 1.

On September 5, 2023, Respondent filed a report pursuant to Vaccine Rule 4(c) in which he concedes that Petitioner is entitled to compensation in this case. Respondent’s Report (“Resp.

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<sup>1</sup> Because this Ruling contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims’ website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2018). All citations in this Ruling to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

Rept.”) at 1 (ECF No. 34). Based on a review of the medical records, Respondent states that “[P]etitioner has satisfied all legal prerequisites for compensation under the Vaccine Act as set forth in the Table and the Qualifications and Aids to Interpretation.” Id. at 7.

A special master may determine whether a petitioner is entitled to compensation based upon the record as a hearing is not required. § 13; Vaccine Rule 8(d). In light of Respondent’s concession and a review of the record, the undersigned finds that Petitioner is entitled to compensation. This matter shall now proceed to the damages phase.

**IT IS SO ORDERED.**

s/Nora Beth Dorsey  
Nora Beth Dorsey  
Special Master